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Attorneys for Plaintiff
ACACIA MEDIA TECHNOLOGIES CORPORATION

**UNITED STATES DISTRICT COURT**

**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**SAN JOSE DIVISION**

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| In re<br><br>ACACIA MEDIA TECHNOLOGIES CORPORATION | Case No. 05 CV 01114 JW<br>MDL No. 1665<br><br>**DECLARATION OF ALAN P. BLOCK IN SUPPORT OF PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION'S MOTION FOR SUMMARY JUDGMENT PURSUANT TO FED.R.CIV.P. 56 ON ACACIA'S PATENT INFRINGEMENT CLAIMS AND ON DEFENDANTS' COUNTERCLAIMS FOR PATENT INVALIDITY**<br><br>Date: July 7, 2008<br>Time: 9:00 a.m.<br>Ctrm: Hon. James Ware |

Dockets.Justia.com

I, Alan P. Block, hereby declare as follows:

1. I am a member of the law firm of Hennigan, Bennett & Dorman LLP, counsel of record for plaintiff Acacia Media Technologies Corporation in this case. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto.

2. A true and correct copy of a May 16, 2008 letter from Roderick G. Dorman to all counsel of record is attached hereto as Exhibit 1.

3. A true and correct copy of the Stipulated Covenant Not to Sue; Order Thereon (D.I. No. 285) entered by the Court on June 13, 2008 relating to claims19-22, 23, 24, 42-44, 47, 48, 49, 51, 52, and 53 of the '992 patent; claims 2 and 5 of the '275 patent; claims 14-16 of the '863 patent; and claims 4 and 6-8 of the '720 patent is attached hereto as Exhibit 2.

4. A true and correct copy of the Stipulated Covenant Not to Sue; Order Thereon (D.I. No. 286) entered by the Court on June 13, 2008 relating to claims 1-18 of the '992 patent is attached hereto as Exhibit 3.

5. A true and correct copy of Defendants' Motion for Partial Summary Judgment of Invalidity and Noninfringement of all Claims of the '702 Patent (D.I. 149, April 28, 2006) is attached hereto as Exhibit 4.

6. A true and correct copy of the Memorandum of Points and Authorities in Support of Acacia Media Technologies Corporation's Motion for Entry of Judgment of Noninfringement and Invalidity for Indefiniteness of US Patent No. 6,144,702 and Certification Pursuant to Fed.R.Civ.P. 54(b) (D.I. 120, January 20, 2006) is attached hereto as Exhibit 5.

7. A true and correct copy of a March 28, 2008 letter to me from David Benyacar is attached hereto as Exhibit 6.

8. A true and correct copy of a March 28, 2008 letter to me from Matthew Kreeger is attached hereto as Exhibit 7

9. A true and correct copy of the Stipulation of Acacia Media Technologies Corporation dated April 4, 2008 is attached hereto as Exhibit 8.

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

10. A true and correct copy of an April 4, 2008 letter from me to all counsel of record is attached hereto as Exhibit 9.

I declare under penalty of perjury under the laws of the United States that the following is true and correct.

Executed this 17th day of June, 2008, at Los Angeles, California.

/s/ Alan P. Block
Alan P. Block

## PROOF OF SERVICE-UNITED STATES DISTRICT COURT

STATE OF CALIFORNIA, )
) SS.
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 865 South Figueroa Street, Suite 2900, Los Angeles, California 90017.

On **June 17, 2008**, I served a copy of the within document(s) described as **DECLARATION OF ALAN P. BLOCK IN SUPPORT OF PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION'S MOTION FOR SUMMARY JUDGMENT PURSUANT TO FED.R.CIV.P. 56 ON ACACIA'S PATENT INFRINGEMENT CLAIMS AND ON DEFENDANTS' COUNTERCLAIMS FOR PATENT INVALIDITY** on the interested parties in this action by transmitting via United States District Court for the Northern District of California Electronic Case Filing Program the document listed above by uploading the electronic files for each of the above listed document(s) on this date, addressed as set forth on the attached Service List.

The above-described document was also transmitted to the parties indicated below, by Federal Express only.

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| Chambers of the Honorable James Ware<br>Attn: Regarding Acacia Litigation<br>280 South First Street<br>San Jose, CA 95113<br>***3 copies*** | |

I am readily familiar with Hennigan, Bennett & Dorman LLP's practice in its Los Angeles office for the collection and processing of federal express with Federal Express.

Executed on **June 17, 2008**, at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/S/ Carol S. Yuson
Carol S. Yuson

HENNIGAN, BENNETT & DORMAN LLP
LAWYERS
LOS ANGELES, CALIFORNIA

**SERVICE LIST**

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| Clay K. Keller<br>Buckingham, Doolittle & Burroughs<br>50 South Main Street<br>Akron, Ohio 44308<br>***Counsel for:***<br>***Nelsonville TV Cable, Inc.*** | Melissa G. Ferrario<br>Barry S. Goldsmith<br>Gary H. Nunes<br>Womble Carlyle Sandridge & Rice<br>8065 Leesburg Pike, Fourth Floor<br>Tysons Corner, VA 22182<br>***Counsel for:***<br>***Nelsonville TV Cable, Inc.*** |
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